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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/292,552	04/15/1999	CHARLES L MAURO	9628006999	3736

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PENNIE AND EDMONDS
1155 AVENUE OF THE AMERICAS
NEW YORK, NY 100362711

EXAMINER

JEANTY, ROMAIN

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 11/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/292,552

Applicant(s)

MAURO ET AL.

Examiner

Romain Jeanty

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 and 51-90 is/are pending in the application.
- 4a) Of the above claim(s) 1-7, 34-47 and 53-70 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 8-33, 48, 49 and 51-90 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Request for Continued Examination

1. The request filed on October 13, 2003 for a Request for Continued Examination (RCE) under 37 CFR 1.53(d) is acceptable and a RCE has been established. An action on the RCE follows.

Remark

2. The affidavit filed on October 13, 2003 complies with C.F.R 1.31 and has been placed in the application file. The information referred to therein has been considered as to the merit.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8-19, 21-29, 31-32, and 48-49, 51-52 and 71-90 are rejected under 35 U.S.C. 103(a) as being unpatentable over Minton (6,014,643) in view Dialog "Hambrecht & Quist Selects Stratus, TCAM For On-line Brokerage Application"

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As per claims 8 and 71-72, 81-82 and 88-89, Minton discloses an interactive securities trading program comprising:

a computer display for displaying orders to buy certain securities at different prices based on data (i.e, displaying orders to buy and sell securities) (col. 7, lines 33-46 and col. 8, lines 1-7), display of offers to sell the certain securities at different prices based on data transmitted over the network by at least some of the traders of the service (i.e. displaying offers to sells securities) (Col. 8, lines 23-28). Minton discloses all of the limitations above. However, Minton fails to explicitly disclose at least some displayed data is updated with data transmitted over the network by the computer system without the user requesting any updates. Dialog, in the same field of endeavor, teaches automatic real time update of open orders. Since the update is automatic in Dialog, it implies that it does not require any user input (See entire page article). It would have been obvious to a person of ordinary skill in the art to incorporate such automatic update of the open order into the teachings of Minton as evidenced by Dialog. In so doing, would provide allow a trader to have up to the minute information for managing a trader's risk.

As per claim 9, Minton discloses a communication network system to include an Internet (See abstract and col. 6, line 36).

As per claim 10, Minton discloses allowing individuals trade to trade in his interactive trading system (col. 2, lines 65-67).

As per claim 11, Minton discloses a software for providing a computer display of a graphical representation of a range of prices offered for the certain securities in the user-to-user trading (i.e. displaying security pricing information to the user) (col. 9 line 37 to col. 10 line 67).

As per claim 12, Minton discloses a software for providing a computer display of a graphical representation of a range of prices offered for the certain securities in the

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user-to-user (i.e, displaying offers to buy and sell to the user) (col. 9 line 37 to col. 10 line 67).

As per claim 13, Minton discloses a negotiating process between the users (col. 11, lines 33-40), but the combination of Minton and Dialog fails to explicitly disclose and an electronic form for entering a counter offer. Official Notice is taken that it is old and well known in the trading art for trader to entering counter offers in an electronic form during a negotiating process and before offers can be accepted. It would have been obvious to a skilled artisan to enter a counter offer using an electronic form into Minton so that trade participants may negotiate prices and for facilitating trade participants to enter and modify their information effectively.

As per claim 14, Minton discloses a user accepting an offer (col. 13, lines 19-26).

As per claim 15, Minton discloses a display of a price a user is willing to pay for a certain securities (col. 9, lines 43-47).

As per claim 16, Minton discloses a computer program and interface for allowing users to buy and sell securities (col. 3, line 65 through col. 4, line 11), a non-overlapping display (see figure 5 which shows an overlapping display) of user's current security position (col. 8, lines 60-62), an open order list of the user (i.e. when a user forms an order, the order is transferred and displayed in an order list) (col. 7, lines 33-46), display a trade ticket (see figures 4 and 5), a watch list "stock watch" (see figure 4, element 412). Although Minton discloses a watch list "watch stock" and providing real-time control of the prices of the user's offers to sell and offers to buy (see figure 4 and element 412 and col. 14, lines 54-56). However, Minton teaches a stock watch button for displaying stock interest to a user (col. 8, lines 63-67). But Minton does not explicitly disclose wherein a

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price of at least one of the securities displayed in the watch list is automatically updated without the user requesting each update". Dialog, in the same field of endeavor, teaches automatic real time update of open orders. Since the update is real time automatic in Dialog, it implies that it does not require any user input (See entire page article). It would have been obvious to a person of ordinary skill in the art to incorporate such automatic update of the open order into the teachings of Minton as evidenced by Dialog. In so doing, would provide allow a trader to have up to the minute information for managing a trader's risk.

As per claim 17, Minton discloses providing a computer display of offers to buy and sell the securities (column 7, lines 33-36).

As per claim 18, Minton discloses a software for providing a non-overlapping computer display of news information (col. 9, 16-17).

As per claim 19, the combination of Minton and Dialog does not explicitly disclose prefilling of the trade ticket. It would have been obvious to a person of ordinary skill in the trading art to display a pre-filling (default) of the trade ticket for the motivation of increasing speed and trade reliability between trading partners.

As per claim 21, Minton discloses an interactive securities trading program comprising: computer display (see figure 4) for displaying orders to buy certain securities at different prices based on data transmitted over the network by at least some of the users of the service, and a computer display of offers to sell the certain securities at different prices based on data transmitted over the network by at least some of the traders of the service (i. e. allowing users to view orders to sell and buy securities at different prices) (Col. 7, lines 33-46 and col. 9, lines 3954).

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Minton discloses all of the limitations above but fails to explicitly disclose wherein at least some displayed data is updated with data transmitted over the network by the computer system without the user requesting any updates. Dialog, in the same field of endeavor, discloses the idea of automatic real time update of open orders. Since the update is automatic in Dialog, it implies that it does not require any user input (See entire page article). It would have been obvious to a person of ordinary skill in the art to incorporate such real time automatic update of the open order into the teachings of Minton as evidenced by Dialog. In so doing, would provide allow a trader to have up to the minute information for managing a trader's risk.

As per claim 22, Minton teaches wherein the network is the Internet (col. 7, line 58).

As per claim 23, Minton discloses where the users are individual. (col. 2, lines 65-67).

As per claim 24, Minton discloses a software for providing a computer display of a graphical representation of a range of prices offered for the certain securities in the user-to-user trading (i.e. displaying security pricing information to the user) (col. 9 line 37 to col. 10 line 67).

As per claim 25, Minton teaches a software for displaying offers to buy or offers to sell provided by a particular user (col. 1, line 42 and col. 1, lines 57-65).

As per claim 26, Minton teaches a negotiating process (col. 11, lines 26-41). But Minton does not explicitly disclose an electronic form for entering a counter offer. It is thus inherent in Minton that a counter-offer be entered in the negotiating process.

As per claim 27, Minton teaches a user accepting an offer (col. 7, lines 43-46).

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As per claim 28, Minton teaches a graphical display of securities selected by a user (col. 8, lines 43-45).

As per claim 29, Minton discloses a computer program and interface for allowing users to buy and sell securities (col. 3, line 65 through col. 4, line 11), a non-overlapping display (see figure 5 which shows an overlapping display) of user's current security position (col. 8, lines 60-62), an open order list of the user (i.e. when a user forms an order, the order is transferred and display in an order list) (col. 7, lines 33-46), a trade ticket See figures 4 and 5). Minton discloses a watch list "watch stock " and providing real-time control of the prices of the user's offers to sell and offers to buy (see figure 4 and element 412 and col. 14, lines 54-56). However, Minton does not explicitly disclose wherein a price of at least one of the securities displayed in the watch list is automatically updated without the user requesting each update" Dialog, in the same field of endeavor, discloses the idea of automatic real time update of open orders. Since the update is automatic in Dialog, it implies that it does not require any user input (See entire page article). It would have been obvious to a person of ordinary skill in the art to incorporate such automatic update of the open order into the teachings of Minton as evidenced by Dialog. In so doing, would allow a trader to have up to the minute information for managing a trader's risk.

As per claim 31, Minton discloses a software for providing a displayed non-overlapping computer display of news information (col. 9, lines 37-38).

As per claim 32, the combination of Minton and Dialog does not explicitly disclose prefilling of the trade ticket. However, it would have been obvious to a person of ordinary skill in the trading art to incorporate the pre-filling (default) of the trade ticket in

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the disclosures of Minton and Dialog with the motivation of increasing speed and trade reliability between trading partners.

As per claims 48 and 90, Minton discloses a software for receiving and displaying data relating to price quotes for securities (i.e. displaying securities quote information)(col. 10, lines 46-54), data relating to account balances (i.e. displaying a user account information) (col. 8, lines 60-62) and col. 13, lines 18-45), data relating to news information regarding the securities (i.e. displaying securities news information) (col. 9, lines 16-17), and data relating to a user's position in securities (col. 8, lines 60-62). Minton does not explicitly disclose wherein a price of at least one of the securities displayed in the watch list is automatically updated without the user requesting each update" Dialog, in the same field of endeavor, discloses the idea of automatic real time update of open orders. Since the update is automatic in Dialog, it implies that it does not require any user input (See entire page article). It would have been obvious to a person of ordinary skill in the art to incorporate such automatic update of the open order into the teachings of Minton as evidenced by Dialog. In so doing, would allow a trader to have up to the minute information for managing a trader's risk.

As per claim 49, Minton further discloses wherein the security is a stock (col. 8, lines 43-45).

As per claim 51, Minton further discloses a software for displaying a graphical form market value of a security (col. 14, lines 1-19).

As per claim 52, Minton further discloses a software for displaying offers to buy and offers to sell securities in a user-to-user trading (col. 7, lines 33-46).

As per claim 73, Minton discloses an interactive trading system comprising:

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A software resident at the workstation and receiving over the Internet, interpreting and displaying as non-overlapping simultaneously displayed windows (a software executed in a central processing unit controlled by computer readable instructions to display securities information) of data relating to price quotes for securities (col. 10, lines 46-50), data relating to account balances (i.e. displaying a user's account activity. Most account comprises of a balance) (col. 8, lines 60-62), data relating to news items regarding securities (col. 9, lines 17-18), and data relating to a user's position in securities (col. 8, lines 60-62). Minton discloses all of the limitations above but Minton does not explicitly disclose wherein the program further comprises means for receiving updates to the price quotes for at least one security without the user requesting each of the updates and means for displaying an updated quote to the user. However, Minton does not explicitly disclose wherein a price of at least one of the securities displayed in the watch list is automatically updated without the user requesting each update" Dialog, in the same field of endeavor, discloses the idea of automatic real time update of open orders. Since the update is automatic in Dialog, it implies that it does not require any user input (See entire page article). It would have been obvious to a person of ordinary skill in the art to incorporate such automatic update of the open order into the teachings of Minton as evidenced by Dialog. In so doing, would allow a trader to have up to the minute information for managing a trader's risk.

As per claims 74-76, Minton discloses displaying of news data (col. 9, lines 1217), but the combination of Minton and Dialog does not explicitly disclose data relating to positions and account balances are updated in real-time. However, it would have been obvious to a person of ordinary skill in the art to incorporate data relating to

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positions and account balances are updated in real-time into Minton and Dialog so that a trader can see which market maker is buying or selling stock and at what volumes.

As per claim 77, Minton does not explicitly disclose wherein said at least some displayed data updated with data transmitted over the network by the computer system without the user requesting any updates is updated each time information for displayed orders on said computer changes. Dialog, in the same field of endeavor, discloses the idea of automatic real time update of open orders. Since the update is automatic and in real time in Dialog, it implies that it does not require any user input/request (See entire page article). It would have been obvious to a person of ordinary skill in the art to incorporate such automatic update of the open order into the teachings of Minton as evidenced by Dialog. In so doing, would allow a trader to have up to the minute information for managing a trader's risk.

As per claim 78, Minton does not explicitly disclose wherein said received updates to the prices quotes for at least one security without the user requesting each of the updates are received each time said price quotes change on said trading system. However, Minton does not explicitly disclose wherein a price of at least one of the securities displayed in the watch list is automatically updated without the user requesting each update" Dialog, in the same field of endeavor, discloses the idea of automatic real time update of open orders. Since the update is automatic and in real time in Dialog, it implies that it does not require any user input (See entire page article). It would have been obvious to a person of ordinary skill in the art to incorporate such automatic update of the open order into the teachings of Minton as evidenced by Dialog. In so doing, would allow a trader to have up to the minute information for managing a trader's risk.

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As per claim 79, Minton discloses account activity "account balances" relating information, but the combination of Minton and Dialog does not explicitly disclose wherein displayed data relating to account balances is updated each time corresponding data changes on said trading system. However, it is old and well known in the trading art to update/modify a trader's account balances when performing trading transactions. It would have been obvious to person of ordinary skill in the to incorporate this well-known teaching into Minton and Dialog in order to reflect an current account balance of a trader, thereby determining how a trade transaction will be settled against a trader's available balance or asset.

As per claim 80, Minton discloses news information (col. 9, lines 12-17). But Minton in combination with Dialog does not explicitly disclose wherein displayed data relating news items regarding securities is updated each time corresponding data changes on said trading system. However, Minton does not explicitly disclose wherein a price of at least one of the securities displayed in the watch list is automatically updated without the user requesting each update" Dialog, in the same field of endeavor, discloses the idea of automatic real time update of open orders. Since the update is automatic and in real time in Dialog, it implies that it does not require any user input (See entire page article). It would have been obvious to a person of ordinary skill in the art to incorporate such automatic update of the open order into the teachings of Minton as evidenced by Dialog. In so doing, would allow a trader to have up to the minute information for managing a trader's risk.

As per claim 83-87, Minton discloses an interactive securities trading program comprising: computer display (see figure 4) for displaying orders to buy certain securities

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at different prices based on data transmitted over the network by at least some of the users of the service, and a computer display of offers to sell the certain securities at different prices based on data transmitted over the network by at least some of the traders of the service (i. e. allowing users to view orders to sell and buy securities at different prices) (Col. 7, lines 33-46 and col. 9, lines 3954).

Minton discloses all of the limitations above but fails to explicitly disclose wherein at least some displayed data is updated with data transmitted over the network by the computer system without the user requesting any updates. Dialog, in the same field of endeavor, discloses the idea of automatic real time update of open orders. Since the update is automatic in Dialog, it implies that it does not require any user input (See entire page article). It would have been obvious to a person of ordinary skill in the art to incorporate such real time automatic update of the open order into the teachings of Minton as evidenced by Dialog. In so doing, would provide allow a trader to have up to the minute information for managing a trader's risk.

Furthermore, Minton discloses a communicating and displaying price information to user (col. 8, lines 1-7 and col. 10, lines 43-53). Transmitting the updated price quotes doe at least one security to the user based on the user's selected view would have been obvious to a person of ordinary skill in the art with the motivation of allowing a trader to effectively select a desired security that is of interest to the trader.

5. Claims 20 and 30 are rejected under 103(a) as being unpatented over Minton and Dialog as applied to claims 19 and 29 above, and further in view of Tull jr. et al (U.S. Patent No. 6,092,056 herein referred to as Tull).

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As per claims 20 and 30, the combination of Minton and Dialog fails to explicitly disclose displaying the performance of the securities. Tull, on the other hand, discloses performance of a financial instruments "securities". Note abstract. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify the trading system of Minton and Dialog to include a performance of the financial instruments as evidenced by Tull. One would have been motivated to use such a modification on for administering information on each share of a selected basket of shares which is represented in a capital market.

6. Claim 33 is rejected under 103(a) as being unpatented over Minton and Dialog as applied to claim 29 above, and further in view of Tull jr. et al (U.S. Patent No. 6,092,056 herein referred to as Tull).

As per claim 33, the combination of Minton and Dialog fails to explicitly disclose displaying the performance of the securities. Tull, on the other hand discloses displaying the performance of a financial instruments "securities". Note abstract. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify the trading system of Minton and Dialog to include a performance of the financial instruments as evidenced by Tull. One would have been motivated to use such modification for administering information on each share of a selected basket of shares which is represented in a capital market.

Response to Arguments

7. Applicant's arguments with respect to claim 8-33, 48-49, 51-52 and 71-90 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

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8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wagner (U.S. Patent No. 4,980,826) discloses an automated futures trading exchange system for automatic update of open orders

Any inquiry concerning this communication or earlier communications from the examiner should be directed Romain Jeanty whose telephone number is (703) 308-9585. The examiner can normally be reached Monday-Thursday from 7:30 am to 6:00 pm. If attempts to reach the examiner are not successful, the examiner's supervisor, Tariq R Hafiz can be reached at (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D. C 20231

or faxed to: (703) 305-7687

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington VA, seventh floor receptionist.

R J

November 3, 2003.

Romain Jeanty
Patent Examiner
Art Unit 3623